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17 **UNITED STATES DISTRICT COURT**
18
19 **DISTRICT OF NEVADA**

20 THE BANK OF NEW YORK MELLON FKA
21 THE BANK OF NEW YORK AS TRUSTEE
22 FOR THE CERTIFICATEHOLDERS OF
23 THE CWABS, INC. ASSET-BACKED
24 CERTIFICATES, SERIES 2005-17,

25 Plaintiff,

26 vs.

27 SFR INVESTMENTS POOL 1, LLC;
28 ALIANTE MASTER ASSOCIATION,

29 Defendants.

30 SFR INVESTMENTS POOL 1, LLC, a
31 Nevada limited liability company,

32 Counter/Cross Claimant,

33 vs.

34 THE BANK OF NEW YORK MELLON FKA
35 THE BANK OF NEW YORK AS TRUSTEE
36 FOR THE CERTIFICATEHOLDERS OF
37 THE CWABS, INC. ASSET-BACKED
38 CERTIFICATES, SERIES 2005-17;
39 COUNTRYWIDE HOME LOANS, INC.;
40 RODERICK SMITH, an individual;
41 MELINDA SMITH, an individual

42 Counter/Cross Defendants.

43 Case No. 2:17-cv-00210-JCM-CWH

44
45 **ORDER GRANTING MOTION TO SERVE**
46 **MASHELLE RODERICK SMITH BY**
47 **PUBLICATION**

48 -and-

49
50 **ORDER GRANTING MOTION TO**
51 **ENLARGE TIME TO SERVE SUMMONS**
52 **AND CROSS-CLAIM**

Upon reading the Affidavit of Due Diligence [ECF No. 36]; it appearing that an Answer, Counterclaim, and Cross-Claim has been filed; that a Summons directed to Cross-Defendant, RODERICK SMITH (“Smith”) has been issued [ECF No. 25]; that Cross-Defendant, Smith is a necessary party; and that Cross-Defendant Smith cannot be found to be personally served in the State of Nevada, and good cause appearing therefore,

IT IS HEREBY ORDERED that since the Cross-Defendant, RODERICK SMITH, cannot now be found so as to be personally served, he may be served by publication of the Summons at least once a week for four (4) weeks in the Nevada Legal News, a newspaper of general circulation, pursuant to FRCP 4(e)(1) and NRCP 4(e)(1).

IT IS FURTHER ORDERED that a copy of the Summons and Answer, Counterclaim, and Cross-Claim shall be mailed forthwith to Cross-Defendant Smith, first class mail, postage prepaid, addressed to the Cross-Defendant’s last known address.

IT IS FURTHER ORDERED that SFR’s Motion to Enlarge Time to Serve is GRANTED and the time for service is extended by an additional 60 days from the date of this order is entered to allow SFR Investments Pool 1, LLC (“SFR”) to effectuate service by publication.

DATED: June 6, 2017


UNITED STATES MAGISTRATE JUDGE

Submitted by:

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/s/Diana Cline Ebron

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